

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DONALD E. STAHL and)	
WILLIAM DEMSAR,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:09CV712 FRB
)	
CITY OF ST. LOUIS, MISSOURI,)	
)	
Defendant.)	

CASE MANAGEMENT ORDER - TRACK 2: STANDARD

Pursuant to Local Rule 5.04 and the Rule 16 Conference held on July 22, 2009,

IT IS HEREBY ORDERED that the following schedule shall apply in this case, and will be modified only upon a showing of exceptional circumstances:

I. SCHEDULING PLAN

1. This case has been assigned to Track 2 (Standard).
2. All motions for joinder of additional parties or amendment of pleadings shall be filed no later than **August 24, 2009**.
3. Disclosure shall proceed in the following manner:
 - (a) The parties shall make all disclosures required by Rule 26(a)(1), Fed.R.Civ.P., no later than **August 31, 2009**.
 - (b) Plaintiff shall disclose all expert witnesses and shall provide the reports required by Rule 26(a)(2), Fed.R.Civ.P., no later than **October 5, 2009**, and shall make expert witnesses

available for depositions, and have depositions completed, no later than **November 9, 2009**. Plaintiff shall disclose rebuttal experts and shall provide the reports required by Rule 26(a)(2), Fed.R.Civ.P., no later than **January 11, 2010**, and shall make rebuttal experts available for depositions, and have depositions completed, no later than **February 16, 2010**.

(c) Defendant shall disclose all expert witnesses and shall provide the reports required by Rule 26(a)(2), Fed.R.Civ.P., no later than **November 16, 2009**, and shall make expert witnesses available for depositions, and have depositions completed, no later than **December 21, 2009**.

(d) The presumptive limits of ten (10) depositions per side as set forth in Rule 30(a)(2)(A), Fed.R.Civ.P., and twenty-five (25) interrogatories per party as set forth in Rule 33(a), Fed.R.Civ.P., shall apply.

(e) The parties shall complete all discovery in this case no later than **April 12, 2010**.

(f) Motions to compel shall be pursued in a diligent and timely manner, but in no event filed more than eleven (11) days following the discovery deadline set out above.

4. Not later than **March 1, 2010**, the parties shall inform the court by written notice whether this case is suitable for referral to alternative dispute resolution.

5. Any motion to dismiss, motion for summary judgment or motion for judgment on the pleadings shall be filed no later than **June 14, 2010**. Opposition briefs shall be filed no later than **thirty (30) days after the filing of any such motion**, and any reply brief may be filed no later than **ten (10) days after the filing of any brief in opposition**.

II. ORDER RELATING TO TRIAL

This action is set for a **NON-JURY** trial on **Monday, December 6, 2010, at 9:00 a.m.**, before the undersigned United States Magistrate Judge.

In this case, unless otherwise ordered by the Court, the attorneys shall, not less than thirty (30) days prior to the date set for trial:

1. **Stipulation:** Meet and jointly prepare and file with the Court a JOINT stipulation of all uncontested facts, which may be read into evidence subject to any objections of any party set forth in said stipulation.

2. **Witnesses:**

(a) Deliver to opposing counsel and file with the Court a list of all proposed witnesses, identifying those witnesses who will be called to testify and those who may be called.

(b) Except for good cause shown, no party will be permitted to call any witnesses not listed in compliance with this Order.

3. Exhibits:

(a) Mark for identification all exhibits to be offered in evidence at the trial (Plaintiffs to use Arabic numerals and defendants to use letters, e.g., Pltf-1, Deft.-A, or Pltf Jones-1, Deft Smith-A, if there is more than one plaintiff or defendant), and deliver to opposing counsel and file with the Court a list of such exhibits, identifying those that will be introduced into evidence and those that may be introduced.

(b) Submit said exhibits or true copies thereof to opposing counsel for examination. Prior to trial, the parties shall stipulate which exhibits may be introduced without objection or preliminary identification, and shall file written objections to all other exhibits.

(c) Except for good cause shown, no party will be permitted to offer any exhibits not identified or not submitted by said party for examination by opposing counsel in compliance with this Order. Any objections not made in writing at least ten (10) days prior to trial may be considered waived.

4. Depositions, Interrogatory Answers, and Request for Admissions:

(a) Deliver to opposing counsel and file with the Court a list of all interrogatory answers or parts thereof and depositions or parts thereof (identified by page and line numbers), and answers to requests for admissions proposed to be offered in evidence. At least twenty (20) days before trial, opposing counsel

shall state in writing any objections to such testimony and shall identify any additional portions of such depositions not listed by the offering party which opposing counsel proposes to offer.

(b) Except for good cause shown, no party will be permitted to offer any interrogatory answer, or deposition or part thereof, or answer to a request for admissions not listed in compliance with this Order.

Any objections not made as above required may be considered waived.

5. **Findings, Conclusions, and Trial Brief:** Submit to the Court and to opposing counsel full, complete, and specific findings of fact and conclusions of law, together with a trial brief, citing authorities, in support of said party's legal theories and discussing any anticipated substantive or procedural problems.

6. **Motions in Limine:** File all motions in limine to exclude evidence at least twenty (20) days before trial. Written responses to any motions in limine shall be filed not later than ten (10) days before trial.

Failure to comply with any part of this Order may result in the imposition of sanctions.


UNITED STATES MAGISTRATE JUDGE

Dated this 22nd day of July, 2009.